



## **PLANNING & DEVELOPMENT COMMITTEE**

**29 APRIL 2021**

### **REPORT OF THE DIRECTOR OF PROSPERITY AND DEVELOPMENT**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the submission of reserved matters application outlined below:

**APPLICATION NO:** 19/1081/16 (DJB)  
**APPLICANT:** Persimmon Homes West Wales  
**DEVELOPMENT:** Reserved Matters application for Phase 2 of Parc Llanilid Llanilid (10/0845/34) to include 421no. residential units and associated infrastructure. Amended plans and/or additional information received 07/12/20, 15/01/21, 18/02/21 and 31/03/21 (Revised description of development 14/01/21 and 31/03/21)

**LOCATION:** LAND AT FORMER OPEN CAST COAL SITE AND LAND TO THE NORTH OF THE A473, LLANILID

**DATE REGISTERED:** 04/12/2019  
**ELECTORAL DIVISION:** Brynna

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**RECOMMENDATION:** Approve

**REASONS:** The application site constitutes part of one of the Council's Strategic Sites (Policy SSA9 refers) as identified in the Rhondda Cynon Taf Local Development Plan. This scheme represents the second (Phase 2) submission of reserved matters pursuant to the outline element of the 'hybrid' permission granted for up to 1850 new dwellings across the Llanilid site.

The principle of the development of this site for residential purposes was accepted by the Council in the granting of the hybrid application 10/0845 in January 2016.

The proposed scheme will deliver 421no. modern, high quality new homes in an area of high demand.

The proposal is considered to comply with the relevant policies of the Council's LDP as well as national planning policy and guidance.

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## **REASON APPLICATION REPORTED TO COMMITTEE**

The application seeks reserved matters approval for 10 or more dwellings and therefore is for a scale of development for which powers are not delegated to the Director of Prosperity and Development.

## **APPLICATION DETAILS**

### Wider Context and Background to the Application

In 2010 an application (10/0845) was submitted to the Council for a far larger area than the area covered by this 'second phase' of reserved matters. That 'hybrid' planning application sought a combination of both outline and full planning permission for a large scale development on a site which incorporates part of the former Llanilid Open Cast Coal Site (OCCS), together with land to the north of the A473. The whole 10/0845 site has an area of 75.35 hectares, of which approximately 50 hectares is considered to be developable.

The first phase (Phase 1 – 18/0334) reserved matters submission, for 216no. new housing units was approved by a meeting of this Committee on 21 March 2019. Site construction works on that first phase of the development are currently well underway.

The current reserved matters application represents the second submission (Phase 2) of reserved matters pursuant to the granting of application 10/0845.

In total it is anticipated that the whole site will be developed in 8 residential phases. In line with condition 21, as imposed on 10/0845, a revised phasing plan was submitted and approved as part of the 18/0334 submission made in respect of Phase 1. This current Phase 2 submission locationally accords with that plan in terms of the development progression of the overall site.

### The current application

This application seeks reserved matters (access, appearance, landscaping, layout and scale) approval for a scheme of 421no. new dwellings together with associated infrastructure.

Members are advised that when initially received the submission proposed a layout of 462no. units. However, as a consequence of issues that became evident through the planning consultation and assessment process there was the need to reduce the number of units in order to mitigate any potentially adverse impacts, these being primarily the potential to impact on interests of ecology and biodiversity. Accordingly, the scheme layout was amended, reducing the number of properties from 462no. to initially 422no. and to now 421no.

Within the 421no. units the proposed scheme proposes a mix of housing types – 1 bed apartments to terraced, semi and detached 2, 3, 4 and 5 bed properties, comprising:

- 262no. open mix Persimmon house types (spread across 10 different house type styles/designs of 2 bed (66 units), 3 bed (151 units) and 4 bed (45 units) size);

- 116no. open mix Charles Church house types (spread across 5 different house type styles/designs of 4 bed (88 units) and 5 bed (28 units) size); and,
- 43no. Affordable Housing house types (spread across 4 different unit types – providing 1bed (18 units), 2 bed (4 units), 3 bed (11 units) and 4 bed (10 units) accommodation)

## **SITE APPRAISAL**

The site the subject of this submission of reserved matters lies entirely within the much larger site, which was subject to a hybrid application 10/0845 (part full/part outline) approval in January 2016. The site identified by this current submission of reserved matters comprises brown field land on the southern side of the A473 and lies at the eastern end of the wider site defined by the 10/0845 permission.

The whole of the wider 10/0845 site had an area of just over 75 hectares (185 acres). The area of the site defined by this reserved matters submission amounts to 16.26ha (40.2 acres), with a net developable area of 10.89 hectares (26.91 acres).

The required engineering works to establish the development plateau areas within the Phase 2 site were approved as part of the 10/0845 hybrid approval, as those works were included within the full permission element of that consent. Works to create those plateau areas in preparation for development, together with works of ecological mitigation which have been/are being undertaken concurrently are clearly evident on the site.

Finished floor levels (FFLs) of the properties at the northern extent of the phase range from approx. 60m AOD (on the western side) up to 66.5m AOD (plot 383) in the north eastern corner of the site. Along the southern extent of the phase FFLs are similarly approx.. 60m AOD to the western boundary, whilst the slope across the site to the eastern boundary is slightly more evident than in the northern part of the site, with properties along the eastern boundary generally having FFLs within the 75-76m AOD range (plot 62 – 76.15m AOD).

The entire site lies on the southern side of the A473 to the eastern extent of the wider Llanilid outline permission (10/0845) site. Adjacent to the eastern boundary of the site lie the relatively recently completed residential developments of Lonydd Glas and Dol Saint Ilid/St. Ildis Meadow. At the north eastern corner the site adjoins the rear boundaries of properties that stand within the Ffordd Dol Y Coed development.

Vehicular access to the development will be achieved via an extended Ffordd Fenter/Enterprise Way, the current extent of which terminates at the western end of it's east-west alignment which separates the Lonydd Glas and Dol Saint Ilid/ St. Ilid Meadows developments to the eastern boundary of the application site.

The layout proposed by this submission of reserved matters confirms that it is not intended that the development of new housing units will take place right up to the site boundary and thereby adjoin the boundaries of properties within Lonydd Glas and Dol Saint Ilid/St. Ildis Meadow (to the east) and Ffordd Dol Y Coed (to the north/north east).

Green habitat corridors surround the housing along the eastern, western and northern boundaries. To the south this phase adjoins the anticipated route of the Llanharan bypass road.

## PLANNING HISTORY

The planning history below refers to only the main permissions/approvals (including and following the full/outline hybrid permission 10/0845) granted and does not include every specific discharge of condition submission etc. that has been made across the whole wider site.

Reserved matters submissions (pursuant to 10/0845) have also been made in respect of the subsequent phases of development, as follows (these applications currently remain under assessment and have yet to be reported to Committee for Members consideration and determination):

- 19/1082: Phases 3 and 4
- 19/1200: Phases 5/6/7/8
- 19/1258: New primary school
- 19/1299: Village centre

In addition a number of discharge of condition (as imposed on 10/0845) applications, relevant to Phase 2, have been submitted and are currently under consideration:

- 21/0091: Conditions 8 (spine road details) and 15 (drainage)
- 21/0164: Condition 7 (Construction Method Statement/Management Plan)
- 21/0174: Conditions 10, 12 and 13 (Great Crested Newt Mitigation)
- 21/0372: Condition 33 (Travel Plan)
- 21/0533 Condition 22 (Construction Method Statement)

18/0334	(Phase 1) Reserved matters for 216no. new residential units.	Cond. Perm., subject to a S.106 Deed of Variation 24/04/19
10/0845	Comprehensive development comprising residential development of up to 1850 dwellings; neighbourhood centre to include Class D1 and D2 community/leisure facilities, Class D1 medical centre, Class D1 primary school, Class A1, A2 and A3 retail/services/food and drink floorspace; Class B1 office/commercial	Cond Perm, subject to a S.106 28/01/16

floorspace; new drainage services, transport and highways infrastructure, strategic landscape areas and public open space.

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification letters, site notices and the insertion of a press notice.

In response two letters/emails have been received.

- The writer of the first neither supports, nor objects to the application but raises comments on the presence and sighting of bats from her property, which backs onto the former open cast site, flying in and out of gardens and surrounding tree and hedge lines. In addition, the writer does query the seeming unauthorised 'land garb' by some households in Dol Saint Ilid/St. Ildis Meadow, who appear to have extended their rear gardens into land, which would fall within the site and green/newt corridor;
- The writer of the second, again indicates neither support for or objection to the application but makes comment on the potential for additional traffic; the provision of additional school and medical practice capacity; and, the need to protect wildlife and existing resident amenity within the green buffer zone between existing properties and the new development.

## **CONSULTATION**

**Transportation Section** – Initially highway objections were raised to the application. However, following the receipt of revised plans it is now confirmed (in further observations dated 16/04/21) that **no objections** are raised to the proposed development, subject to conditions.

Within their consultation response the Transportation Section make comments are made in respect of issues of:

- Site location and the application red line boundary;
- Internal estate roads;
- Levels of parking provision;
- Phasing Plan;
- Travel Plans and Safe Routes in Communities; and,
- Commuted Sums.

It is also noted that the Highway Authority will require the Developer to enter into legally binding agreements (S38 and S278 of Highways Act 1980) to secure the proper design and implementation of the proposed works to the existing highway and the internal roads, footways and highway drainage including an appropriate bond. In addition, the Highway Authority will require the developer to undertake Statutory Consultations in respect of any Traffic Orders associated with the proposed development including the implementation of such orders granted.

**Natural Resources Wales (NRW)** – whilst **no objection** is raised to the application, NRW do indicate that they have significant concerns with the proposed development and that the LPA should only grant planning permission\* if they include reference to the relevant submitted landscape planting and landscape strategy plans/documents within a condition identifying the approved plans and documents on the decision notice.

*(Note: for clarity, Members are advised that this application seeks the approval of reserved matters, pursuant to the outline planning permission (10/0845) which has previously been granted).*

**Health & Safety Executive (HSE)** – the proposed development lies within the consultation distance of a high-pressure natural gas pipeline (ref. 1556: Nantgarw/Brynna (VS014) – which is currently operated by Wales & West Utilities.

On 15 October 2019 the LPA sought advice from HSE via their Advice Web App and received the response that ‘HSE’s advice is that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission in this case’ (HSE response ref: 191015094222-323, dated 15 October 2019).

However, in their subsequent letter dated 26 February 2020 HSE have confirmed that they are aware that that this pipeline was laid in thick-walled pipe in the vicinity of the proposed development site. As a result of the additional protection which the thick-walled pipe provides, the consultation distances which apply in this area are smaller than those which apply to the rest of the pipeline. However, reduced consultation zones associated with thick-walled sections of pipeline are not currently included in the HSE Planning Advice Web App, so HSE’s original (15/10/19) advice was determined using the consultation zone distances which apply to the full length of the pipeline.

The reduced consultation zone distances which apply have now been taken into account in reconsidering HSE’s advice. Consequently, HSE **does not advise, on safety grounds, against the granting of planning permission.**

**Dwr Cymru/Welsh Water** – raise **no objection** to the application, subject to the imposition of conditions.

The domestic foul flows proposed by this development can be accommodated within the public sewerage system via the dedicated 500mm combined sewer at manhole SS97818801, as indicated on the extract of public sewer records. This connection point has been identified as an appropriate location to prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Notwithstanding the above, please note the applicant has not gained approval under Section 104 of the Water Industry Act 1991 for the full development of Phase 2 (in relation to the adoption of new sewers to serve the site), and therefore amendments may be required through this process. The applicant will be responsible for notifying the Local Planning Authority of any amendments made through this process.

Investigations have previously been undertaken in relation to the capacity to provide

a potable water supply to this development. Any increased demand on the local system would adversely affect our service to existing and future customers and as a consequence reinforcement works to the system, which shall be secured and implemented via appropriate planning conditions set out below, are required in advance of the first occupation at the site.

**Public Health & Protection** – raise **no objections** to the application. Comments are made in respect of issues of noise, air quality, contaminated land, dust, disposal of waste and lighting.

**Countryside Section (Landscape & Ecology)** – initially concerns were raised in respect of both the form and extent of ecological mitigation and also the nature of the proposed landscaping within the phase. However, following the revisions made during the course of the application it is considered that the landscape details are more ecologically sympathetic and **no objections** have been raised.

**Flood Risk Management Section (Drainage)** – raise **no objections** to the application.

**The Coal Authority** – initially (dated 05/11/19) raised an objection to the application on the basis that the application submission contained no information to confirm that the proposed built development layout has been designed to avoid the position of the high wall of the previous opencast operation (*The Coal Authority did indicate, however that if the applicant is able to provide information to demonstrate that the buildings would avoid the high wall then they would be in a position to withdraw the objection and that any coal mining legacy issues could be dealt with as part of a subsequent discharge of condition application*).

Subsequently, following re-consultation a further response (dated 17/12/20) maintained the objection on the basis that the concern/s raised in The Coal Authority letter of 05/11/19 had not been satisfactorily addressed. This view was again reiterated in a further response of 20 January 2021.

Following the submission of additional supporting information (dated 18/02/21 and prepared by Integral Geotechnique) by the applicant further re-consultation was undertaken with The Coal Authority and in their response of 22/02/21 The Coal Authority notes the further submitted information in the form of the letter (dated 18 February 2021) from Integral Geotechnique Ltd and the appended layout drawing, which shows 6 of the 84 plots potentially being affected by the line of the high wall. Having considered this information, it would appear that all efforts have been taken to avoid the high wall. Consequently, and on the basis that the discharge of condition 9 on the hybrid planning permission will ensure that the plots affected incorporate appropriate mitigatory measures to afford their stability, **the Coal Authority withdraws its objection to this planning application** and we look forward to being consulted on that application in due course.

**Glamorgan Gwent Archaeological Trust Ltd** – raise **no objections** to the application.

*(Note: Comment is made in respect of the previously required archaeological work in respect of the Phase 1 works (18/0334) and condition 37 of the hybrid permission 10/0845. However, condition 37 only relates to land to the north of the A473. The entirety of the Phase 2 site lies to the south of the A473).*

**Western Power Distribution** – raise **no objection**. Request that the applicant is advised that if they require a new connection or a service alteration, they will need to make a separate application to WPD.

**Wales & West Utilities** – raise **no objection**. Provide information as to the location of existing W&WU apparatus and advise that the applicant contact them prior to any works commencing.

**South Wales Police (Designing Out Crime Officer)** – raises **no objection** to the application. Further comment indicates satisfaction with the proposed layout, with all vehicle parking bays within curtilage and/or overlooked. In addition advice is offered in respect of issues of lighting, boundary identification, landscaping/planting, vehicle parking, garage security, bin and cycle stores, window/door security and intruder alarm systems.

*(Note: a full copy of the comments received has been provided to the applicant for their information/action)*

**Bridgend County Borough Council** (adjoining LPA) – have **no objections** to the application.

## **POLICY CONTEXT**

### Rhondda Cynon Taf Local Development Plan

Policy CS2 – confirms that in respect of development in the Southern Strategy Area the emphasis will be on sustainable growth that benefits the County Borough as a whole. Key criteria that will be considered in seeking to achieve this aim are identified.

Policy CS3 - in order to promote sustainable growth this policy allocates a number of specific 'Strategic Sites' across the County Borough for the development of a mixture of large scale residential, employment, retail and recreational purposes (Former OCC Site, Llanilid, Llanharan is identified as site no. 8 (Policy SSA9)).

Policy CS4 – sets down the requirement for the development of new dwellings within the County Borough during the LDP plan period. Of the 5,000-5,450 units identified to be provided across the Strategic Sites the Llanilid site should provide 1,950-2,100. *(Note for Members: 248 dwellings have already been approved, as 'enabling development', on a different part of the Llanilid site under ref: 06/1485 (outline) and ref: 07/2152 (reserved matters). Hence the reason that the hybrid (part outline/part full) application sought to gain permission for the balance of 1,850 dwellings).*



Policy CS5 – confirms the need for the housing requirements identified in Policy CS4 to contribute to the provision of affordable housing over the plan period.

Policy AW4 – confirms that the Council may seek planning obligation contributions in association with new development.

Policy AW6 - supports development that promotes high quality design which makes a positive contribution to place making.

Policy AW7 - seeks to protect and enhance the built environment.

Policy AW8 - seeks to protect and enhance the natural environment.

Policy AW10 – confirms that development will not be permitted where it would cause or result in an unacceptable risk of harm to health and/or local amenity (identified issues include air pollution, light pollution, noise pollution, water pollution, contamination, landfill gas, land instability and flooding or any other identified risk to the environment, local amenity and public health or safety).

Policy SSA6 - identifies criteria for new development in the key settlement of Llanharan.

(Supporting paragraph 6.125 states “Through the identified Strategic Site at Llanilid, which includes large-scale residential and commercial proposals, Llanharan will continue to experience significant new development. The Council recognises that new development must be supported by appropriate local services and infrastructure in order to meet the needs of the existing and future community.”)

Policy SSA9 - allocates the site (as a Strategic Site, as identified under Policy CS3) for the residential development of between 1,950-2,100 dwellings, together with provision of 2500sq.m. (net) of retail floor space, a medical centre, library/community centre, a new primary school and associated public open space.

Policy SSA11 – identifies the need for new residential development to achieve satisfactory levels of build density. (Justification has to be provided for a build density of <35 dwellings per hectare).

Policy SSA12 – identifies the need for new developments of 5 dwellings or more to provide 20% affordable housing.

#### Supplementary Planning Guidance (SPG)

Rhondda Cynon Taf LDP SPG – Design and Placemaking (March 2011)

Rhondda Cynon Taf LDP SPG – Delivering Design and Placemaking: Access, Circulation & Parking Requirements (March 2011)

Rhondda Cynon Taf LDP SPG – The Historic Built Environment (March 2011)

Rhondda Cynon Taf LDP SPG – Nature Conservation (March 2011)

Rhondda Cynon Taf LDP SPG – Affordable Housing (March 2011)

Rhondda Cynon Taf LDP SPG – Planning Obligations (December 2014)

Rhondda Cynon Taf LDP SPG – Employment and Skills (June 2015)

### National Guidance

*In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.*

Planning Policy Wales Edition 11 (PPW) was issued on 24<sup>th</sup> February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040).

PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

- Policy 1 – Where Wales will grow
- Policy 2 – Shaping Urban Growth
- Policy 3 – Supporting Urban Growth
- Policy 7 – Delivering Affordable Homes
- Policy 9 - Resilient Ecological Networks and Green Infrastructure

### Planning Policy Wales Technical Advice Notes (TANs):-

TAN 2: Planning and Affordable Housing (2006)

TAN 5: Nature Conservation and Planning (2009)

TAN 12 Design (2016)

TAN 15: Development & Flood Risk (2004)

TAN 16: Sport, Recreation and Open Space (2009)

TAN 18: Transportation (2007)

### Government Circulars

Welsh Government Circular 016/2014: The use of Planning Conditions for Development Management

## **REASONS FOR REACHING THE RECOMMENDATION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

### Principle of the proposed development

This application is a submission of reserved matter details, which represent the second phase of residential development at the Llanilid site that benefits from an outline permission for up to 1850 new dwellings.

It should be recognised that the principle of residential development has already been established, by the Council's granting of the hybrid application 10/0845 in January 2016. The consideration of this application relates to the details submitted pursuant to the outline element of that permission.

### The reserved matters scheme proposed

The proposed development layout incorporates 421no. new dwellings.

Plots 306 – 421 (116 units) will be Charles Church open mix house types, comprising 5 different house type designs and all are 4 (88 units) or 5 (28 units) bed detached houses.

Plots 1 – 305 will be Persimmon house types, within which 43 plots (nos. 122-123, 127-134, 146-149, 186-202, 203-206, 210-211, 240-242, 295-297) will comprise the units of affordable housing. The Persimmon house types comprise 2 bed (66 units), 3 bed (151 units) and 4 bed (45 units) within detached, semi-detached and link style house type designs.

In respect of external finishes the proposed dwellings across the development will incorporate the use of 'Hovingham, Sherborne or Cusworth Riven' Persimmon brick and slate/natural natural colour 'Forticrete Pentstone' or grey reconstituted stonework and Marley Modern Duo smooth grey roof tiles.

A Local Equipped Area for Play (LEAP) is proposed within the green corridor that will run between Phase 2 and Phase 5 (which forms part of the phases 5/6/7/8 submission made under ref: 19/1200) and will be positioned just to the north of the primary internal distributor road, as confirmed on submitted Landscape Planting plan (Drwg. no. LA 202 rev 'E'), to the west of the end of the cul-de-sac serving plots 306-311.

It is proposed that the delivery (including the timing of the delivery) of this LEAP facility be controlled through the imposition of a condition, as was the case with the LEAP within Phase 1 (18/0334).

Condition 25, as imposed on 10/0845 requires an urban design statement to accompany each reserved matters submission and within the document demonstrate how the design complies with the DAS and Design Codes documents considered at the outline stage (10/0845). The submission package includes a document titled 'Urban Design Statement – Project: Phase 1, Parc Llanilid' (Final Report March 2018).

The Urban Design Statement submitted with this application has been appropriately updated (now rev 'C', March 2021) to reflect the revisions made to the scheme during the course of its assessment process.

The 2011 Design Codes document identified that the aspirations were to deliver clear design guidance for the planning of the Parc Llanilid scheme in order to achieve legible and coherent development within clearly defined parameters.

The main aims of the 2011 Design Code are:

- establish a clear framework for future development when implementing the vision for the site;
- be the starting point for dialogue and interaction between housing developers and the Council;
- illustrate what is anticipated in each of the identified character areas without prejudicing innovation and adapting to changing needs and available technologies;
- ensure coordination between each of the housing developers and character areas, providing a level of certainty as to the quality, legibility and character of adjacent development;
- provide a level of confidence between all parties engaged in this large urban extension;
- inspire housing developers to innovate and look for solutions towards delivery of an exemplary development.

The 2011 Design Code identified the area covered by the current reserved matters submission as comprising both 'Middle Village' and 'Village Edge' character areas. The Middle Village areas were identified, as the name would suggest, as delivering a more urban, tighter knit grain neighbourhood environment, with the use of key buildings at nodes and vistas, generally on the corners of perimeter blocks; whilst the Village Edge character area would deliver a medium and course grain development with a higher proportion of detached dwellings than the other character areas.

The area of the current reserved matters submission is identified in the 2011 Design Code as 'Parcel 1'.

It is considered that the submitted Urban Design Statement is in broad compliance with the aims and objectives of the 2010 DAS and 2011 Design Code. However, it is acknowledged, as discussed in the 'Highways/access/parking' section of this report, below of the intended deviation away from some of the anticipated design features of the main distributor/spine road, running through the middle of Phase 2 that were anticipated in 2011.

It is considered that the proposed design and layout of Phase 2 complies with policies AW5 and AW6 of the LDP and the broad principles established under the outline element of permission 10/0845.

### Highways/access/parking

As noted earlier in this report vehicular access to the development will be achieved via an extended Ffordd Fenter/Enterprise Way, the current extent of which terminates at the western end of its east-west alignment which separates the Lonydd Glas and Dol Saint Ilid/ St. Ilid Meadows developments to the eastern boundary of the application site.

The extended Ffordd Fenter/Enterprise Way will form one of the wider development primary main internal distributor/spine roads. Extending westwards through Phase 2 and into Phase 5 this element of primary internal distributor road will meet a further element of primary road which will run (between phases 5 and 6), in roughly a north-south alignment and will link the A473 at the top with the roundabout on the stretch of already constructed bypass (commonly referred to as 'the dog-leg road'), which runs adjacent to the southern boundary of phases 6 and 8.

The primary main internal distributor/spine road design previously approved as part of the 10/0845 'hybrid' permission shows numerous parking bays, which would be appropriate to an active street frontage with dwellings fronting directly onto the road. However, it is considered that this would serve no purpose given the proposed housing layout with all dwellings served from side roads. Retention of the parking bays would not cater for parking due to the distance from dwellings and would result in an increased maintenance requirement for the Highway Authority.

Accordingly, it is the intention of the applicant to make a further submission to amend the design of the main internal distributor/spine road design to reflect the wishes of the Highways Officer. With the omission of the parking bays then giving the opportunity to incorporate carriageway (incorporating features to constrain vehicle speeds) suitable for public transport vehicles, whilst at the same time utilising the space to provide 3m wide shared use paths to facilitate active travel journeys by pedestrians and cyclists throughout the whole development in accordance with the requirements of The Active Travel Wales Act and Planning Policy Wales 11 (PPW11).

Four secondary road junctions are to be created onto the primary internal distributor/spine road, within Phase 2. Two of these will serve the element (Persimmon and affordable housing provision units) to the south of the primary internal distributor road; whilst the other two will serve the housing element (Charles Church) to the north.

Highways have expressed some concern with regard the horizontal alignment of the proposed estate roads adjacent to several plots where short curved sections have

been incorporated. However, it is accepted that this can be mitigated as part of the detailed highway design process and accordingly the imposition of a condition requiring approval of full highway engineering design and detail is suggested.

Temporary bin storage areas must be provided at shared accesses to accommodate refuse and recycling bins awaiting collection. Such areas must be positioned for convenient access from the highway and located to avoid obstruction of footways and private shared accesses.

A Road Safety Audit relating only to the distributor/spine road has not yet been provided to demonstrate that the proposed road layout would not have a detrimental impact on highway safety. However, it is accepted that such requirement can be secured the imposition of a suitably worded condition.

The use of private drive arrangements is incorporated throughout the proposed layout.

The Transportation Section has raised no objections, subject to the imposition of conditions, to these proposed access arrangements.

In respect of car parking provision across the scheme the maximum requirement as set out in the Council's adopted SPG would be 1,164 spaces, whilst the minimum requirement would be 884 spaces. The proposed layout provides for 1,026 spaces.

Parking provision for the larger 4 and 5 bed Charles Church detached houses to the north of the distributor/spine road is in accordance with the Council' SPG maximum standard. The lesser provision ratio in parking provision exists for the smaller 2 and 3 bed Persimmon dwellings and affordable housing element within the development

Limited visitor parking bays are provided throughout the development, however, additional short term visitor parking could be accommodated on street.

There is a degree of concern that some garages and off street parking spaces are located to the rear or side and some distance from the primary means of access to the dwellings, with the lack of natural surveillance by the occupier and position making them less attractive to occupiers potentially leading to increase on street parking, however, as the issue is limited to isolated locations throughout the site and the estate roads would have capacity to accommodate an element of on street parking the issue is not considered sufficient to warrant objection.

Furthermore, amendments to the distributor/spine road to provide shared use facilities would encourage walking and cycling as means to access local amenities and facilities and provide a route through the development for bus services reducing reliance on the private car as a mode of travel and level of car ownership in accordance with the recommendations set out within Active Travel Wales Act and PPW 11. Therefore, on the basis that the parking requirements set out within the SPG are maximum standards the overall parking provision is considered acceptable.

The Highway Officer has noted the suggested requirement for a condition requiring the submission of a residential travel plan in order to allow an assessment of the site in terms of access to sustainable modes of travel to be undertaken. However, a discharge of condition application (21/0372) has recently been submitted by the applicant in respect which submits information (in relation to this Phase 2) in respect of condition 33 as imposed on 10/0845 in respect of travel plan information/details. Accordingly, it is not considered necessary to repeat the requirement as part of reserved matters approval in respect of this application.

## Impact on residential amenity and character of the area

The proposed development comprises the second phase (421 dwellings) of a much larger site (for up to 1850 new dwellings) which has the benefit of outline planning permission and allocation as a Strategic Site (SSA9) within the Council's LDP.

It is accepted that the character of this (Phase 2) site and the wider Llanilid site will change, albeit perhaps to a lesser extent than is the case for those phases north of the A473, the first of those being Phase 1, which of course has already been approved. However, this impact and consequence was fully and properly considered at the outline stage (under 10/0845). The principle of residential development on this site is established and the earthworks to create the development plateaus has to a large extent already been completed in respect of this phase.

For a significant size development the Phase 2 site is relatively separated from existing development, only having existing housing standing to the east within Lonydd Glas and Dol Saint Ilid/St. Ildis Meadow and Ffordd Dol Y Coed (to the north/north east). A significant gap will be maintained between the curtilage boundaries of the new development and existing properties. The indications below demonstrate the separation distances at points between proposed and existing properties to the eastern boundary of the site:

- Plot 62 to 60 Dol Saint Ilid/St. Ildis Meadow – 60m
- Plot 18 to 48 Dol Saint Ilid/St. Ildis Meadow – 75m
- Plot 1 to 22 Dol Saint Ilid/St. Ildis Meadow – 77m
- Plot 408 to 6 Lonydd Glas – 45m
- Plot 379 to 18 Lonydd Glas – 90m
- Plot 383 to 105 Ffordd Dol Y Coed – 40m

It is considered that with such distances of separation there will be no significant impacts on the level of residential amenity currently enjoyed by existing residents within the existing developments referenced above.

Accordingly, it is therefore considered that the proposal will comply with Policy AW5 of the Council's LDP.

## Trees/Hedgerows and Ecology/Biodiversity

On 23 October 2019 Welsh Government's Chief Planner wrote to all LPA Heads of Planning advising that Planning Policy Wales (PPW) 10 (since superseded by Edition 11 – February 2021) sets out that "*planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity*". This policy and subsequent policies in PPW respond to the Section 6 Duty of the Environment (Wales) Act 2016.

The letter clarified that in light of the legislation and Welsh Government policy outlined above, where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its absence, and unless other

significant material considerations indicate otherwise it will be necessary to refuse permission.

It is important that biodiversity and ecosystem resilience considerations are taken into account at an early stage in development plan preparation and when proposing or considering development proposals. Planning authorities should be proactive and embed appropriate policies into local development plans to protect against biodiversity loss and secure enhancement.

Securing a net benefit for biodiversity within the context of PPW requires a pragmatic response to the specific circumstances of the site. Working through the step wise approach and if biodiversity loss cannot be completely avoided (i.e. maintained), and has been minimised, it is useful to think of net benefit as a concept to both compensate for loss and look for and secure enhancement opportunities.

At the 10/0845 hybrid (part full/part outline) planning consideration stage issues of ecological species and landscape/habitat importance at the site were identified by Countryside Council for Wales (CCW) (now NRW) and the Council's Ecologist. Through the current assessment of this reserved matters submission those issues and interests and the need to ensure full and proper mitigation is secured, have again been highlighted.

In the case of Phase 2 there are significant European Protected Species (EPS) and habitat issues to address, primarily related to the presence of Great Crested Newts (GCN), although appropriate work has again also been undertaken in respect of other EPS.

The applicant has been required to secure the necessary EPS Licence from NRW to be able to undertake the Phase 2 plateau earthworks, which are well underway. That Licence granted in respect of GCN was issued by NRW on 12 March 2021 and remains in force until 31 October 2021. In addition to securing that EPS Licence the applicant has also lodged a discharge of condition application (21/0174) seeking discharge of conditions 10, 12 and 13 as imposed on 10/0845 which will need to be agreed before works on this phase of residential development can proceed.

Initially concerns were raised (and to an extent still remain) by both the Council's ecologist and NRW in respect of this application and the scope and robustness of the mitigation measures proposed in order to protect and enhance interests of ecology and biodiversity.

Phase 2 is only one piece of a larger jigsaw in terms of the wider species and habitat mitigation being developed for the Parc Llanilid site. However, in terms of the Phase 2 plans it was noted earlier in this report that when initially submitted the proposed development was for a layout of 462no. dwellings. However, as a consequence of the need to increase the amount of land dedicated to EPS and habitat mitigation the applicant has had to reduce the number of units by, by 41 units, down to the 421no. units now shown. This reduction in units has largely been as a result of the need to retain the north eastern corner of the site free from development, in order to provide new GCN compensation ponds and secure a wider eastern habitat corridor, which



includes a further GCN compensation pond (at a point adjacent to plots 19 and 55 and to the rear of 50-58 (evens) Dol Saint Ilid/Saint Ilds Meadow.

It is noted that NRW still retain significant concerns and have recommended that any consent should reference the relevant landscape strategy and planting plans/documents within a condition identifying the approved plans and documents on the decision notice. Members are advised that such a condition is recommended (as condition 1).

### Provision of Affordable Housing

At the time the hybrid application (10/0845) was considered the Council, having regard to a report produced by the applicant outlining site development viability and affordability issues, agreed (notwithstanding the fact that the site lies within the southern Strategy Area of the LDP where a 20% provision requirement) an affordable housing provision of 10% for the first 1000 dwellings to be developed across the site. *(After the 1000<sup>th</sup> dwelling the S.106 requires that a further market assessment is undertaken to establish whether the development can support the 20% provision requirement as identified in the LDP).*

The layout incorporates the provision of 43no. Affordable Housing house types (spread across 4 different unit types – providing 1bed (18 units), 2 bed (4 units), 3 bed (11 units) and 4 bed (10 units) accommodation)

The mix of the affordable housing units proposed reflects the demands identified through the Local Housing Market Assessment and the mix of unit size/types sought by the Council's Housing Strategy team. Accordingly, given that the mix of units is as the Council has sought and the required 10% is incorporated it is considered the application is acceptable in this regard.

### Other Matters

#### Drainage/Flood Risk

In respect of drainage arrangements proposed to serve the development no objections have been raised by the Council's Flood Risk Management (FRM) Section. DCWW have also raised no objection to the application, subject to the imposition of two conditions, with which the applicant is agreeable.

#### Geotechnical/Coal Mining Legacy Issues

Given the open cast coal mining history of the whole wider Llanilid site lies within an identified 'high risk' designation area and therefore consultation with The Coal Authority has been undertaken in respect of the proposals.

Initially, The Coal Authority raised an objection to the application on the grounds of inadequate information being provided to enable them to be able to fully assess the proposals having regard to the mining history of the site. However, following the submission of additional information in respect of the 'highwall' of the former open cast site (the location of which (base to top) runs roughly east-west through the northern

part of the Phase 2 site – beneath that part of the site where the layout proposes plots 342-353, 376-379 and 381-384) The Coal Authority have withdrawn that initial objection.

The applicant is well aware of the requirement to make a discharge of condition application (and gain an approval of those details) in respect of condition 9, as imposed on 10/0845 before commencing any building works on Phase 2. The Coal Authority will again be consulted in respect of that submission when it is received by the Local Planning Authority.

#### Extension of garden curtilage (issue raised by third party respondent)

One of the two responses received in respect of this application notes the seeming unauthorised 'land grab' by some households in Dol Saint Ilid/St. Ildis Meadow, who appear to have extended their rear gardens into land, which would fall within the site and green/newt eastern habitat corridor.

This land is within the ownership of Persimmon and they have been advised of the issue raised. No planning permissions have been issued for any garden curtilage extensions that may have taken place and these would be unauthorised. This matter will be investigated by the planning enforcement team.

#### Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended. The application lies within Zone 3 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £85/sqm for residential development (including extensions to dwellings over 100 sqm).

The CIL for this development is expected to be £4,858,436.91 however, social housing relief may be claimed on those 43 dwellings that comprise the affordable housing element of the development.

*(The social housing relief on the 43 AH dwellings is expected to be £303,302.76. This leaves a payment of £4,555,134.15 in respect of the market dwellings).*

*(It should be noted 15% of the £4,555,134.15 chargeable amount for the market housing must be passed to the Community Council (In this case Llanharan Community Council) (Regulation 59A – duty to pass to local council) and therefore £683,270,12 will be required to be paid in cash. Accordingly, the market housing balance of £3,871,864.03 will then be taken from the Infrastructure Payment Agreement total/balance, as agreed as part of the approval of the Phase 1 reserved matters 18/0334 (together with a S.106 Deed of Variation) until the total Infrastructure Payment Agreement balance is £0. Payments will then be in cash.*

## Section 106 Contributions / Planning Obligations

Section 106 of the Town and Country Planning Act (as amended) enables local planning authorities and developers to agree to planning obligations to require operations or activities to be carried out on land (in-kind obligations) or require payments to be made (financial contributions), to mitigate any unacceptable impacts of development proposals.

The Community Infrastructure Levy (CIL) Regulations 2010, with effect from 6 April 2010, state that a planning obligation (under S.106) may only legally constitute a reason for granting planning permission if it is:

- i) necessary to make the development acceptable in planning terms;
- ii) directly related to the development; and,
- iii) fairly and reasonably related in scale and kind to the development.

Planning Policy Wales advises that contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local Development Plan and the Council's SPG on Planning Obligations, however it is made clear that this is intended to form the basis of negotiations between all parties.

### The Section 106 requirements in this case

As indicated earlier in this report the Section 106 Agreement which accompanied the hybrid permission (10/0845) ensured that the whole Llanilid development (up to 1850 new dwellings, with village centre) delivered the following elements:

- the provision of a new primary school;
- a leisure/recreation and ecology biodiversity contribution;
- the provision of affordable housing across the site;
- a 'Local Road Contribution' (£170k) for Bridgend CBC;
- a 'Rail Contribution' (£350k - for works to establish a bridged crossing over the main London – Swansea railway line that runs immediately to the north of the boundary of the site) for Network Rail
- the provision of the village/district centre;
- landscape management;
- provision of the Community Building; and,
- the provision of Changing Rooms.

The S.106 Deed of Variation agreed prior to the issue of the Phase 1 reserved matters approval (18/0334) recognised that it is now intended that the developer (Persimmon) build the school provision, unlike the previously proposed arrangement (when the applicant was Cofton (Wales) Ltd) that an financial sum of £5,784,092 (paid as a CIL contribution) be paid at the outset and the Council be responsible for building the school.

*(As Members may well be aware the Council have already taken the initial steps in respect of formal consultation and served the necessary statutory notice (giving opportunity for objection to be made) with regard to the proposed new school provision which is being progressed as an extension to the existing Dolau Primary School. As the wider Llanilid site develops, however, it is anticipated that the two elements may be separated to create two separate schools. However, further consultation and statutory process would be need to be gone through in the future should this be the case).*

Persimmon have indicated that they would intend to build the school provision in a single 540 pupil place build phase, unlike previously when the provision was anticipated to come forward in two phases of construction.

The other elements of provision required (as identified above) remain as set out in the initial S.106 Agreement.

### Conclusion

Having taken into account all of the issues identified above, it is considered that the proposed second phase of development of this important wider residential allocation site, will make an important contribution to increasing housing land supply, in an area of high demand, without having any significant adverse impact on highway safety, the character and appearance of the area or residential amenity. Whilst some concerns have been expressed regarding interests of ecology it is considered that the proposed measures of mitigation (which extend across the wider Parc Llanilid site) negate any impacts to a level which is not significant. The proposed development is therefore considered to comply with the relevant policies of the Local Development Plan.

### **RECOMMENDATION: Grant**

1. The development hereby approved shall be carried out in accordance within the following approved plans/drawings/documents:
    - Site Location Plan LP01
    - Planning Layout PL01 Rev K (Pages 1 and 2)
    - Engineering Plans 10210-200A-01E, 10210-200A-02E, 10210-200A-03D, 10210-200B-01F, 10210-200B-02H and 10210-200B-03F
    - Drainage details: SW Network A, SW Network B and SW Network C, Phase 2 A Surface Water Calculations.
    - Landscaping Strategy LA.200 A106819-4-LA200-LA203[E]
    - Landscape Planting LA201 A106819-4-LA200-LA203[E], LA202 A106819-4-LA200-LA203[E] and LA203 A106819-4-LA200-LA203[E]
- Housetype Plans and Elevations:

- Argus (1 bed DQR Affordable Flat)
- 4.2.1 (2 Bed DQR Affordable Unit)
- Alnwick
- Moseley
- Barton
- Windermere
- Carleton
- Grasmere
- Derwent
- Lockwood Corner
- Hornsea
- Coniston
- Strand
- Mayfair
- Harley
- Marylebone
- Fenchurch
- Garages (single, double and garage and a half)
- Boundary Treatment Details (BT-00Rev A)
- Phasing Plan PHNAB01 Rev B
- Urban Design Statement (Rev C, March 2021)
- Ecological Appraisal (WYG, September 2019)
- Tree Survey and Tree Constraints Plan (Treescene, August 2019)
- Letter from Rob Bathurst (Integral Geotechnique) dated 18<sup>th</sup> Feb 2021 relating to geotechnical site investigation works and appropriate engineering solutions for the proposed residential development

unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: In order to define the extent by the permission hereby granted and in order to ensure that the development is carried out in accordance with the approved plans.

2. Notwithstanding the submitted plans, no works whatsoever shall commence on site until full engineering design and details of, the internal roads, traffic calming, footpath links, highway structures, street lighting, and highway drainage including longitudinal and cross sections and construction details have been submitted to and approved in writing by the Local Planning Authority. The highway works shall be fully implemented in accordance with the approved engineering to the satisfaction of the Local Planning Authority.

Reason: To ensure the adequacy of the proposed development, in the interest of highway safety, free flow of traffic and encouraging sustainable modes of travel, having regard to policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

3. No works shall commence on site until a geotechnical report incorporating any mitigation measures required to deal with ground conditions, mine workings and mine shafts affected by the proposed road layout have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details prior to beneficial occupation of the first dwelling

Reason: To ensure the adequacy of the proposed development, in the interest of highway safety, having regard to policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

4. Surface water run-off from the proposed development shall not discharge onto the public highway or connected to any highway drainage system unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent overloading the existing highway drainage system and potential flooding and in the interests of highway safety, having regard to policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

5. A Safe Routes in Communities Assessment shall be carried out in accordance with the relevant Local Authority Road Safety Officers' Association (LARSOA) guidelines/Learner Travel and Active Travel Wales (Guidance) 2014, to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved mitigation measures required shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure reduction of road traffic and promotion of sustainable modes of travel in accordance with the policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and national planning policy.

6. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner,

and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

7. The Local Equipped Area Play (LEAP) shall be laid out and landscaped and made available for use within a timetable to be first agreed in writing with the Local Planning Authority. The LEAP shall thereafter be maintained in accordance with a Management Plan which shall be submitted to and approved in writing by the Local Planning Authority within one month following beneficial occupation of the first dwelling within the development.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

8. Full details of the proposed landscape and open space management regime and Estate Management Company (including timescales for future management) shall be submitted to and agreed in writing by the Local Planning Authority prior to occupation of the first dwelling within the development hereby approved.

Reason: In the interests of ecology and maintaining ecology in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

9. No development shall commence on site until full site drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be fully implemented on site in accordance with the approved details and to the satisfaction of the Local Planning Authority prior to beneficial occupation of the first dwelling

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with policy AW10.

10. No development shall take place until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site and where necessary, a scheme to re-enforce the existing public water supply network in order to accommodate the site shall be delivered prior to the first beneficial occupation of any building. The agreed scheme shall be constructed in full and remain in perpetuity.

Reason: To ensure that the site can be satisfactorily served by the local water supply system and to ensure no detriment to existing residents and/or the environment, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

11. Only foul water from the development site shall be allowed to discharge to the public sewerage system communicating via manhole SS97818801, (as indicated on the extract of the Sewerage Network Plan attached to this decision notice). Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.